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H.686

Introduced by Representatives Keefe of Manchester, Brumsted of Shelburne,  
Devereux of Mount Holly, Donahue of Northfield, Donovan of  
Burlington, Gage of Rutland City, Gamache of Swanton,  
Gannon of Wilmington, Lippert of Hinesburg, Noyes of  
Wolcott, Pugh of South Burlington, Rosenquist of Georgia, and  
Yacovone of Morristown

Referred to Committee on

Date:

Subject: Health; public health; child fatality review

Statement of purpose of bill as introduced: This bill proposes to establish the  
Child Fatality Review Team to examine unexpected, unexplained, or  
preventable child fatalities in Vermont.

An act relating to establishing the Child Fatality Review Team

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 18 V.S.A. chapter 30A is added to read:

CHAPTER 30A. CHILD FATALITY REVIEW TEAM

§ 1561. CHILD FATALITY REVIEW TEAM

(a) Creation. There is created the Child Fatality Review Team within the  
Department of Health for the following purposes:

1           (1) to examine cases of child fatality in Vermont in which the fatality is  
2           either unexpected, unexplained, or preventable;

3           (2) to identify system gaps and risk factors associated with child  
4           fatalities that are either unexpected, unexplained, or preventable;

5           (3) to educate the public, service providers, and policymakers about  
6           unexpected, unexplained, or preventable child fatalities and strategies for  
7           intervention;

8           (4) to recommend legislation, rules, policies, practices, training, and  
9           coordination of services that promote interagency collaboration and prevent  
10          future unexpected, unexplained, or preventable child fatalities.

11          (b) Membership.

12           (1) The Team shall comprise the following members:

13           (A) the Chief Medical Examiner or designee;

14           (B) the Commissioner of Health or designee;

15           (C) the Commissioner for Children and Families or designee;

16           (D) the Commissioner of Mental Health or designee;

17           (E) the Commissioner of Corrections or designee;

18           (F) the Commissioner of Public Safety or designee;

19           (G) the Secretary of Education or designee;

20           (H) the Emergency Medical Services Chief in the Vermont  
21          Emergency Medical Services Office;

1           (I) the Attorney General or designee;

2           (J) a pediatrician, appointed by the Vermont chapter of the American  
3 Academy of Pediatrics;

4           (K) a physician licensed to practice pursuant to 26 V.S.A. chapter 23  
5 or 33 who specializes in the practice of child psychiatry, appointed by the  
6 Vermont Psychiatric Association;

7           (L) a municipal law enforcement officer, appointed by the Speaker of  
8 the House; and

9           (M) any other professional specializing in child abuse or neglect,  
10 health, social work, child care, education, or law enforcement and who is  
11 appointed by either the Commissioner of Health or for Children and Families.

12           (2)(A) The members of the Team specified in subdivision (1) of this  
13 subsection shall serve three-year terms, except that of the members first  
14 appointed pursuant to subdivisions (1)(J)–(M) of this subsection, two each  
15 shall serve a term of one year and two each shall serve a term of two years.

16           (B) Any vacancy on the Team shall be filled in the same manner as  
17 the original appointment. The replacement member shall serve for the  
18 remainder of the unexpired term.

19           (c) Meetings.

20           (1) The Team shall meet at such times as may reasonably be necessary  
21 to carry out its duties, but at least once in each calendar quarter.

1           (2) The Commissioner of Health or designee shall call the first meeting  
2           of the Team to occur on or before September 30, 2018.

3           (3) The Team shall select a chair, vice chair, and secretary from among  
4           its members at the first meeting, and biannually thereafter.

5           (d) Access to information and records.

6           (1) In any case under review by the Team, upon written request of the  
7           Chair, a person who possesses information or records that are necessary and  
8           relevant to a child fatality that is either unexpected, unexplained, or  
9           preventable shall, as soon as practicable, provide the Team with the  
10           information and records. All reasonable requests for information or records by  
11           the Chair shall be provided by the person possessing the information or records  
12           to the Team at no cost.

13           (2) A person shall not be held criminally or civilly liable for disclosing  
14           or providing information or records to the Team pursuant to this subsection.

15           (3) The Team shall not have access to the proceedings, reports, and  
16           records of a peer review committee as defined in 26 V.S.A. § 1441.

17           (e) Limitations.

18           (1) The Team's review process shall not commence until:

19           (A) any criminal prosecution arising out of the child fatality is  
20           concluded or the Attorney General and State's Attorney provide written notice  
21           to the Team that no criminal charges shall be filed; and

1           (B) any investigation by the Department for Children and Families is  
2 concluded.

3           (2) The Team's review shall not impose unreasonable burdens on health  
4 care providers or educators with regard to the production of information or  
5 records. The Team shall seek to obtain information or records generated in the  
6 course of an investigation from State agencies or law enforcement officials  
7 before making a request to health care providers and educators.

8           (f)(1) Confidentiality. The records produced or acquired by the Team are  
9 exempt from public inspection and copying under the Public Records Act and  
10 shall be kept confidential. The records of the Team are not subject to  
11 subpoena, discovery, or introduction into evidence in a civil or criminal action.  
12 Nothing in this section shall be construed to limit or restrict the right to  
13 discover or use in any civil or criminal proceedings information or records that  
14 are available from another source and entirely outside the Team's review. The  
15 Team shall not use the information or records generated during the course of  
16 its review for purposes other than those described in this section.

17           (2) The Team's meetings are confidential and shall be exempt from  
18 1 V.S.A. chapter 5, subchapter 2 (the Vermont Open Meeting Law).

19           (3) Members of the Team and persons invited to testify before the Team  
20 shall not disclose information, records, discussions, and opinions stated in  
21 connection to the Team's review. Members of the Team and persons invited to

1 testify before the Team shall execute a sworn statement honoring the  
2 confidentiality of all information, records, discussions, and opinions related to  
3 the Team's review, which shall be maintained by the Chair.

4 (g) Report. Notwithstanding 2 V.S.A. § 20(d), the Commission shall report  
5 its conclusions and recommendations to the Governor and General Assembly,  
6 as the Team deems necessary, but not less frequently than once per calendar  
7 year. The report shall disclose individually identifiable information only to the  
8 extent necessary to convey the Commission's conclusions and  
9 recommendations, and any such disclosures shall be limited to information  
10 already known to the public. The report shall be available to the public  
11 through the Department of Health.

12 Sec. 2. EFFECTIVE DATE

13 This act shall take effect on July 1, 2018.